

Notice of Allowability

Application No.

09/720,345

Examiner

Kelly L. Jerabek

Applicant(s)

SAKAMOTO, KOICHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE Filed 10/24/2005.
2. ☒ The allowed claim(s) is/are 1-7, 13 (renumbered as claim 10), 17-18 (renumbered as claims 8-9 respectively), and 19-26 (renumbered as claims 11-18 respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

N. Vu

NGOC-YEN VU
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Hyung Sohn on 1/4/2006.

Please Amend Claim 1 as Follows:

In lines 12-13 of claim 1, replace "based upon a photographic condition prevailing at the time the background image was photographed said image sensing means" with "based upon a photographic condition prevailing at the time the background image was photographed by said image sensing means".

Please Amend Claim 2 as Follows:

In line 1 of claim 2, replace "image sensing apparatus according to claim 1" with "An image sensing apparatus according to claim 1".

Allowable Subject Matter

Claims 1-7, 13 (renumbered as claim 10), 17-18 (renumbered as claims 8-9 respectively), and 19-26 (renumbered as claims 11-18 respectively) are allowed.

The following is an examiner's statement of reasons for allowance:

Re claims 1-7, 13, and 17-26, the prior art fails to teach or fairly suggest "An image sensing apparatus and method, comprising: synthesis target image data storage means for storing in a storage device...; photographic condition storage means for separately storing in the storage device data representing photographic conditions prevailing at the time of photography for each of the plurality of synthesis target images; image sensing means for photographing a background image...; synthesis target image selection means for selecting a synthesis target image data of the foreground subject suited to the background image from the plurality of synthesis target image data of the foreground subject stored in said synthesis target image data storage means, based upon a photographic condition prevailing at the time the background image was

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photographed by said image sensing means and the separately stored data from the storage device representing the photographic conditions of the plurality of synthesis target images; and image synthesis means for combining the synthesis target image of the foreground subject selected by the synthesis target image selection means with the background image and outputting it as composite image data”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hansen et al. (US 6,211,913) discloses an apparatus and method for removing areas from real-time stabilized images by inserting background information. The information regarding synthesizing images is relevant material.

Higurashi et al. (US 2003/0133019) discloses an image processing apparatus for joining a plurality of images. The information regarding synthesizing images is relevant material.

Chen (US 2001/0010546) discloses a virtual reality camera. The information regarding synthesizing images is relevant material.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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PRIMARY EXAMINER